

REMARKS

I. Double Patenting

Applicant notes that a Letter of Express Abandonment under 37 C.F.R. 1.138 for Application No. 10/851,749 has been filed. The Examiner's provisional rejection based on obviousness-type double patenting should now be obviated.

II. Claim Rejections Based on 35 U.S.C. §102(b)

The Examiner has rejected Claims 1, 4, 6, and 7 under 35 U.S.C. §102(b) as being anticipated by Kaspar (U.S. 4,728,538). The Examiner has also rejected Claims 1 and 2 under U.S.C. §102(b) as being anticipated by Schulkin (U.S. 5,500,956). Applicant has amended Claim 1. Applicant believes that amended Claim 1 and Claims 4, 6, and 7, which depend upon amended Claim 1, are patentable over Kaspar. Applicant also believes that Claim 2, which also depends upon amended Claim 1, is patentable over Schulkin.

Applicant has amended Claim 1 to add the feature of the slip-resistant material being coupled to the palmer surface and at least a portion of the dorsal surface of the extremity covering. Kaspar does not teach this element. This amendment is supported by Figures 1a, 2a, and 4 as well as in the Specification (see p. 8: lines 15-18). By having the slip-resistant material coupled to the palmer surface and the dorsal surface, the extremity is

not only prevented from slipping, but it is also allowed a full range of movement to practice yoga techniques.

In order anticipate the Applicant's invention under §102(b), Kaspar or Schulkin must teach each and every element contained in the subject claim. Neither Kaspar nor Schulkin teaches the limitation that the slip-resistant material is also coupled to at least a portion of the dorsal surface of the extremity. Kaspar only teaches that the soles include non-slip portions which are adapted to provide a better grip on the floor for the wearer. (See Kaspar, col. 3, lines 66-69). And Schulkin only teaches that the rotation resistant and impact dampening portions is provided on the parts of the palm of the hand which contact the basketball. (See Schulkin, col. 4, lines 11-13). Therefore, Applicant believes that Claim 1, as amended, is not anticipated by either the Kaspar reference or the Schulkin reference. Applicant further believes that Claims 4, 6, and 7, which depend upon amended Claim 1, are not anticipated by Kaspar for the same reasons set forth above. And Applicant also believes that Claim 2, which also depends upon amended Claim 1, is not anticipated by Schulkin for those same reasons.

### III. Claim Rejections Based on 35 U.S.C. §103

The Examiner has rejected Claims 5, 8-10, and 13-18 under 35 U.S.C. §103(a) as being unpatentable over Kaspar. The

Examiner has also rejected Claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Schulkin.

Applicant has amended Claim 1 as described above and has amended Claim 10 in a similar manner. Applicant believes that Claims 1 and 10, as amended are not obvious in light of Kaspar or Schulkin. Because Claims 5, 8, and 9 depend upon amended Claim 1 and because Claims 13-18 depend upon amended Claim 10, Applicant also believes that these claims are also not obvious in view of Kaspar. Furthermore, because Claim 11 depends upon amended Claim 10, Applicant also believes that Claim 11 is not obvious in view of Schulkin.

Kaspar does not make the suggestion that its socks would have non-slip portions on the dorsal surface. Kaspar teaches that the non-slip composition may be applied on the sole of the foot portion of the garment. The dot pattern may be somewhat uniformly applied over the entire surface of the sole of the foot portion or it can be applied only over the toe and heel portions of the sole. (See Kaspar, Col. 5, lines 15-20). Tellingly, Kaspar does not teach that it can be applied to portions of the dorsal surface. The fact that this was omitted is evidence that Kaspar did not intend to make such a modification. Furthermore, having non-slip portions on the dorsal surface of Kaspar's sock would not improve Kaspar's intended purpose of providing better grip on the floor for the

wearer, especially during performances of the wearer on gymnasium or other hard, waxed floors. (See Kaspar, Col. 3, line 68 - Col. 4, line 2). Therefore, amended Claims 1 and 10 and Claims 5, 8, 9, and 13-18 which depend thereon, are not obvious in view of Kaspar.

Schulkin also does not make the suggestion that its basketball gloves would have protruding beaded elements on the dorsal surface. Schulkin teaches that the entire outer surface of the palm side is covered with flexible tacky miniature rubber-like hemispherical protruding beaded elements in a regular geometric pattern. (See Schulkin, Col. 4, lines 13-16). Covering the palm surface portions with protruding beaded elements enables the player to better grip and catch basketball. (See Schulkin, Col. 4 lines 43-46). It is telling here as well that Schulkin makes no mention of the protruding beaded elements appearing on the dorsal surface. The fact that this was omitted is evidence that Schulkin also did not intend to make such a modification. Furthermore, having protruding beaded elements appearing on the dorsal surface of the basketball glove would not improve Schulkin's intended purpose of enabling a basketball player to better grip and catch a basketball. Therefore amended Claim 10 and Claim 11, which depends thereon, are not obvious in view of Schulkin.

IV. Conclusion

Applicant respectfully submits that this Amendment Letter, in view of the Remarks offered herein, is fully responsive to all aspects of the objections and rejections tendered by the examiner in the Office Action. None of the cited prior art, nor any combination thereof, discloses an extremity covering having slip-resistant material coupled to the palmer surface and at least a portion of the dorsal surface. For all the foregoing reasons, the Applicant respectfully asserts that all claims are patentable over the cited prior art and respectfully requests that these Claims be allowed.

The fee for a one month extension of time accompanies this Amendment Letter. It is not believed that this Amendment Letter requires any additional fees, but if there are any fees incurred by this communication, please deduct them from our Deposit Account NO. 23-0830.

Respectfully submitted,



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